

UNITED STATES OF AMERICA)
)
 v.) **ORDER**
)
 LONNIE CLARK DUFF,)
)
 Defendant.)

(unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Duff's sentence, the court finds that Duff engaged in serious criminal conduct involving methamphetamine. See Presentence Investigation Report ("PSR") [D.E. 20] ¶¶ 3–5. Furthermore, Duff has a criminal history that includes convictions for attempted possession of stolen goods, trafficking in methamphetamine, and second degree trespass. See id. ¶¶ 7–9. Moreover, while incarcerated on his federal sentence, Duff has been sanctioned for possessing a non-hazardous tool. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011); U.S.S.G. § 1B1.10, cmt. n.1(B)(iii). Nonetheless, Duff also has engaged in some positive behavior while incarcerated. See [D.E. 31] 5–8.

Having reviewed the entire record and all relevant policy statements, the court finds that Duff received the sentence that was "sufficient, but not greater than necessary" under 18 U.S.C. § 3553(a) and finds that reducing Duff's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Duff's serious criminal conduct and serious criminal history do not support reducing Duff's sentence. Thus, the court denies Duff's motion for reduction of sentence. See, e.g., Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, Duff's motion for reduction of sentence [D.E. 30] is DENIED.

SO ORDERED. This 19 day of June 2016.


JAMES C. DEVER III
Chief United States District Judge